

AMENDED IN SENATE MARCH 24, 2008

SENATE BILL

No. 1268

Introduced by Senator Denham
(Coauthor: Assembly Member Galgiani)

February 19, 2008

An act to amend ~~Section 1404.80~~ Sections 1416.22 and 1416.55 of the Health and Safety Code, relating to ~~food processing~~ nursing home administrators.

LEGISLATIVE COUNSEL'S DIGEST

SB 1268, as amended, Denham. ~~Food processing.~~ Nursing home administrators.

Existing law provides for the licensing of nursing home administrators by the State Department of Public Health. To become a nursing home administrator, an applicant must pass the nursing home administrator licensing examination.

Existing law requires, in order to take the examination, that minimum educational and experiential qualifications must be met.

This bill would allow the department to waive the educational requirements for applicants taking the nursing home administrator examination if they have completed a program-approved Administrator-in-Training Program (AIT Program). Applicants receiving this waiver would only be allowed to oversee already established facilities that are in good standing with the department. It would permit an applicant to apply for preapproval of a waiver before beginning the AIT Program.

~~Existing law prohibits a person from engaging in the manufacture, packing, or holding of any processed food in this state unless the person has a valid registration from the department, except as specified. It is~~

~~also unlawful for any person to manufacture, pack, or hold processed food in this state unless in a food processing facility duly registered, except as specified.~~

~~This bill would make a technical, nonsubstantive change to the registration exceptions to the above-described prohibitions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1416.22 of the Health and Safety Code
2 is amended to read:

3 1416.22. (a) To qualify for the licensing examination, an
4 applicant must be at least 18 years of age, be a citizen of the United
5 States or a legal resident, be of reputable and responsible character,
6 demonstrate an ability to comply with this chapter, and comply
7 with at least one of the following requirements:

8 (1) Have a master's degree in nursing home administration or
9 a related health administration field. The master's program in
10 which the degree was obtained must have included an internship
11 or residency of at least 480 hours in a skilled nursing facility or
12 intermediate care facility.

13 (2) (A) With regard to applicants who have a current valid
14 license as a nursing home administrator in another state and apply
15 for licensure in this state, meet the minimum education
16 requirements that existed in this state at the time the applicant was
17 originally licensed in the other state.

18 (B) The minimum education requirements that have existed in
19 California are as follows:

20		
21	Prior to 7/1/73	None
22	From 7/1/73 to 6/30/74	30 semester units
23	From 7/1/74 to 6/30/75	45 semester units
24	From 7/1/75 to 6/30/80	60 semester units
25		
26	From 7/1/80 to 1/1/02	Baccalaureate degree
27		

28 (3) A doctorate degree in medicine and a current valid license
29 as a physician and surgeon with 10 years of recent work experience,

1 and the completion of a program-approved AIT Program of at least
2 1,000 hours.

3 (4) A baccalaureate degree, and the completion of a
4 program-approved AIT Program of at least 1,000 hours.

5 (5) Ten years of recent full-time work experience, and a current
6 license, as a licensed registered nurse, and the completion of a
7 program-approved AIT Program of at least 1,000 hours. At least
8 the most recent five years of the 10 years of work experience shall
9 be in a supervisory or director of nursing position.

10 (6) Ten years of full-time work experience in any department
11 of a skilled nursing facility, an intermediate care facility, or an
12 intermediate care facility developmentally/disabled with at least
13 60 semester units (or 90 quarter units) of college or university
14 courses, and the completion of a program-approved AIT Program
15 of at least 1,000 hours. At least the most recent five years of the
16 10 years of work experience shall be in a position as a department
17 manager.

18 (7) Ten years of full-time hospital administration experience in
19 an acute care hospital with at least 60 semester units (or 90 quarter
20 units) of college or university courses, and the completion of a
21 program-approved AIT Program of at least 1,000 hours. At least
22 the most recent five years of the 10 years of work experience shall
23 be in a supervisory position.

24 (8) If the applicant and the preceptor provide compelling
25 evidence that previous work experience of the applicant directly
26 relates to nursing home administrator duties, the program may
27 accept a waiver exception to a portion of the AIT program that
28 requires 1,000 hours.

29 (b) The applicant shall submit an official transcript that
30 evidences the completion of required college and university
31 courses, degrees, or both. An applicant who applies for the
32 licensing examination on the basis of work experience shall submit
33 a declaration signed under penalty of perjury, verifying his or her
34 work experience. This declaration shall be signed by a licensed
35 nursing home administrator, physician and surgeon, chief of staff,
36 director of nurses, or registered nurse who can attest to the
37 applicant's work experience.

38 (c) *The department may issue a written waiver of the educational*
39 *requirements for an applicant taking the licensing examination if*
40 *the applicant has completed a program-approved AIT Program*

1 of at least 1,000 hours. If the educational requirements are waived
2 and the applicant is successful in passing the licensing
3 examination, they are limited to serving as a nursing home
4 administrator in a currently established facility that is in good
5 standing with the department. Prior to beginning a
6 program-approved AIT Program, the applicant may apply to the
7 department for preapproval of the waiver.

8 SEC. 2. Section 1416.55 of the Health and Safety Code is
9 amended to read:

10 1416.55. (a) An Administrator-in-Training Program (AIT
11 Program) shall be developed by the NHAP, in consultation with
12 representatives from the long-term care industry and advocacy
13 groups. The AIT Program shall include, but not be limited to, all
14 of the following areas of instruction:

- 15 (1) Orientation.
- 16 (2) Administration and business office.
- 17 (3) State and federal regulations governing long-term care
18 facilities.
- 19 (4) Residents' rights and abuse prevention.
- 20 (5) Staffing requirements and workforce retention.
- 21 (6) Nursing services.
- 22 (7) Resident activities.
- 23 (8) Resident care.
- 24 (9) Social services.
- 25 (10) Dietary management.
- 26 (11) Environmental care, including housekeeping, laundry, and
27 maintenance.
- 28 (12) Financial management.
- 29 (13) General management.
- 30 (14) Government regulations.
- 31 (15) Legal management.
- 32 (16) Personnel management and training.
- 33 (17) Consultants and contracts.
- 34 (18) Medical records.
- 35 (19) Public relations and marketing.

36 (b) A person who seeks to satisfy requirements for admission
37 to licensure examinations through participation in an AIT Program
38 shall first receive approval to begin the AIT Program. An applicant
39 shall successfully complete the AIT Program in a
40 program-approved facility under the coordination, supervision,

1 and teaching of a preceptor who has obtained certification from
2 the program and continues to meet the qualifications set forth in
3 the rules and regulations of the program.

4 (c) In order to be eligible for the AIT Program, an applicant
5 shall submit an application package on forms provided by the
6 NHAP, and pay the applicable fees established by this chapter.
7 The applicant shall be at least 18 years of age.

8 (d) In addition to the requirements in subdivision (c), the
9 applicant shall meet one or a combination of the following
10 requirements to be eligible for the AIT Program:

11 (1) A doctorate degree in medicine and a current valid license
12 as a physician and surgeon with at least 10 years of recent work
13 experience.

14 (2) A baccalaureate degree.

15 (3) Ten years of full-time work experience and a current valid
16 license as a registered nurse. At least the most recent five years of
17 the 10 years of work experience shall be in a supervisory or director
18 of nursing position.

19 (4) Ten years of full-time work experience in any department
20 of a skilled nursing facility, an intermediate care facility, or an
21 intermediate care facility/developmentally disabled with at least
22 60 semester units (or 90 quarter units) of college or university
23 courses. At least the most recent five years of the 10 years of work
24 experience shall be in a position as a department manager.

25 (5) Ten years of full-time hospital administration experience in
26 an acute care hospital with at least 60 semester units (or 90 quarter
27 units) of college or university courses. At least the most recent
28 five years of the 10 years of work experience shall be in a
29 supervisory position.

30 (e) The applicant shall submit an official transcript that
31 evidences the completion of required college or university courses,
32 degrees, or both. ~~An Applicant may request a written waiver of~~
33 *the education requirements from the department.*

34 (f) An applicant who qualifies for the AIT Program on the basis
35 of work experience shall submit a declaration signed under penalty
36 of perjury verifying his or her work experience. This declaration
37 shall be signed by a licensed nursing home administrator, physician
38 and surgeon, chief of staff, director of nurses, or registered nurse
39 who can attest to the applicant's work experience.

1 ~~SECTION 1. Section 110480 of the Health and Safety Code~~
2 ~~is amended to read:~~

3 ~~110480. The registration provisions of this article shall not~~
4 ~~apply to any person whose manufacturing, packing, or holding of~~
5 ~~processed food is limited solely to temporarily holding processed~~
6 ~~foods for not more than seven days for further transport if the foods~~
7 ~~are not potentially hazardous foods, as defined in Section 110005,~~
8 ~~or to any person whose manufacturing, packing, or holding of~~
9 ~~processed food is limited solely to activities authorized by any of~~
10 ~~the following:~~

11 ~~(a) A valid bottled water or water vending machine license~~
12 ~~issued pursuant to Article 12 (commencing with Section 111070).~~

13 ~~(b) A valid pet food license issued pursuant to Chapter 10~~
14 ~~(commencing with Section 113025) of Part 6.~~

15 ~~(c) A valid permit issued pursuant to Chapter 4 (commencing~~
16 ~~with Section 113700) of Part 7 to a food facility including a food~~
17 ~~facility that manufactures, packs, or holds processed food for sale~~
18 ~~at wholesale, provided the food facility that manufactures, packs,~~
19 ~~or holds processed food for sale at wholesale does not meet any~~
20 ~~of the following conditions:~~

21 ~~(1) Has gross annual wholesale sales of processed foods of more~~
22 ~~than 25 percent of total food sales.~~

23 ~~(2) Sells processed foods outside the jurisdiction of the local~~
24 ~~health department.~~

25 ~~(3) Sells processed foods that require labeling pursuant to this~~
26 ~~part.~~

27 ~~(4) Processes or handles fresh seafood, frozen seafood held in~~
28 ~~bulk for further processing, or fresh or frozen raw shellfish.~~

29 ~~(5) Salvages processed foods for sale other than at the retail~~
30 ~~food facility.~~

31 ~~(d) A valid cold storage license issued pursuant to Chapter 6~~
32 ~~(commencing with Section 112350) of Part 6.~~

33 ~~(e) A valid cannery license issued pursuant to Chapter 8~~
34 ~~(commencing with Section 112650) of Part 6.~~

35 ~~(f) A valid shellfish certificate issued pursuant to Chapter 5~~
36 ~~(commencing with Section 112150) of Part 6.~~

37 ~~(g) A valid frozen food locker plant license issued pursuant to~~
38 ~~Chapter 7 (commencing with Section 112500) of Part 6.~~

1 ~~(h) A valid winegrower's license or wine blender's license~~
2 ~~pursuant to Division 9 (commencing with Section 23000) of the~~
3 ~~Business and Professions Code.~~

4 ~~(i) A valid milk products plant, margarine, imitation ice cream,~~
5 ~~imitation ice milk, or a products resembling milk products plant~~
6 ~~license, issued pursuant to Division 15 (commencing with Section~~
7 ~~32501) of the Food and Agricultural Code.~~

8 ~~(j) A valid permit issued by a local health department to operate~~
9 ~~a processing establishment, as defined in Section 111955, that only~~
10 ~~holds or warehouses processed food, pursuant to Article 1~~
11 ~~(commencing with Section 111950) of Chapter 4 of Part 6,~~
12 ~~provided that all of the following conditions are met:~~

13 ~~(1) The warehouse does not manufacture or pack processed~~
14 ~~food.~~

15 ~~(2) The warehouse does not hold fresh seafood, frozen seafood~~
16 ~~held in bulk for further processing, or fresh or frozen raw shellfish.~~

17 ~~(3) The warehouse is not operated as an integral part of a food~~
18 ~~processing facility required to be registered pursuant to Section~~
19 ~~110460.~~

20 ~~(4) The warehouse facilities are located entirely within the area~~
21 ~~under the jurisdiction of the local health department.~~

22 ~~(5) The warehouse does not salvage food as the primary~~
23 ~~business.~~

24 ~~(k) This section shall not be construed to limit the authority of~~
25 ~~Los Angeles, San Bernardino, and Orange Counties, or of the City~~
26 ~~of Vernon, to conduct any inspections otherwise authorized by~~
27 ~~Chapter 4 (commencing with Section 111950) of Part 6.~~